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OFFICE OF PETITIONS

In re :
Tsutomu Kunishima : DECISION ON REQUEST
Application No. 10/617,087 : FOR RECONSIDERATION OF
Filed: July 10, 2003 : PATENT TERM ADJUSTMENT
Patent No. 7,158,192 : UNDER 37 C.F.R. §1.705(d)
Issued: January 2, 2007 :
:

This letter is in response to the "PETITION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT" filed February 5, 2007¹, requesting correction of the patent term adjustment (PTA) indicated on the patent due to the patent not issuing within three years of its filing.

The request for reconsideration of the patent term adjustment indicated on the patent is **DISMISSED**.

On January 2, 2007, the above-identified application matured into U.S. Patent No. 7,158,192. The patent issued with a Patent Term Adjustment of five hundred, fifty-two (552) days (552 days of PTO delay and 0 days of applicant delay).

¹ The request was timely in accordance with 37 C.F.R. §1.705(d). See Revision of Patent Term Extension and Patent Term Adjustment Provisions, Final Rule (April 22, 2004), 69 Fed. Reg 21704. December 10, 2006 fell on a Sunday. See 37 C.F.R. § 1.7(a).

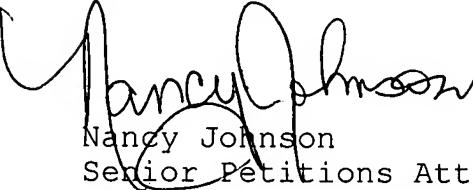
Patentees state that the determination of patent term adjustment should have been increased by 176 days due to the PTO delay incurred for the number of days between the 3 year date and the issue date.

Patentees' argument is not well-taken. As the 176 additional days overlap with the 552 days of PTO delay already accorded, this delay does not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 C.F.R. § 1.703(f). See also Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule, 69 Fed. Reg. 21704 (April 22, 2004).

In view thereof, the correct determination of PTA at the time of issuance is five hundred fifty-two (552) days.

Receipt of the \$200 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.


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